

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on May 25, 2011;

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995*;

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

Y K

Date of Hearing: October 27, 2011

Members of the Panel:

Ms Lisa Brownstone, Barrister and Solicitor, Chair
Professor Bruno Magliocchetti, Faculty Panel Member
Mr. Shakir Rahim, Student Panel Member

Appearances:

Ms Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Mr. Kenneth Raddatz, Law Student, Downtown Legal Services

In Attendance:

Ms Y K Student
Dr. Kristi Gourlay, Academic Integrity Officer, Faculty of Arts and Science
Ms Natalie Ramtahal, Coordinator, Appeals, Discipline and Facility Grievances

Preliminary

- [1] The Trial Division of the University Tribunal was convened on October 27, 2011 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the student by letter dated May 25, 2011 from Professor Edith Hillan, Vice-Provost, Faculty & Academic Life.

Hearing on the Facts

- [2] The charges facing the student were the following:
- (1) On or about March 1, 2011, you knowingly represented as your own an idea or expression of an idea, and/or work of another in connection with a form of academic work, namely, Long Assignment 1 that you submitted to fulfill the course requirements of LIN305H1, contrary to Section B.I.1(d) of the *Code of Behavior on Academic Matters, 1995* ("Code").
 - (2) In or about March 1, 2011, you knowingly used or possessed an unauthorized aid and obtained unauthorized assistance in connection with a form of academic work, namely, Long Assignment 1 that you submitted to fulfill the course requirements of LIN305H1, contrary to Section B.I.1(b) of the *Code*.
 - (3) In the alternative, on or about March 1, 2011, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind in Long Assignment 1 that you submitted to fulfill course requirements in LIN305H1, contrary to Section B.I.3(b) of the *Code*.
 - (4) On or about February 16, 2011, you knowingly represented as your own an idea or expression of an idea, and/or work of another in connection with a form of academic work, namely, an assignment titled "Korean Relative Clauses Construction: Headness and Gapping" that you submitted to fulfill the course requirements of LIN306H1, contrary to Section B.I.1(d) of the *Code*.
 - (5) In the alternative, on or about February 16, 2011, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind in an assignment titled "Korean Relative Clauses Construction: Headness and Gapping" submitted to fulfill course requirements in LIN306H1, contrary to Section B.I.3(b) of the *Code*.

[3] Particulars of the charges were as follows:

- (1) At all material times you were a student in LIN305H1 taught by Professor Daphna Heller, and in LIN306H1 taught by Professor Alana Johns, during the winter of 2011.
- (2) You did not write portions of Long Assignment 1 submitted in your name on or about March 1, 2011 to fulfill the course requirements of LIN305H1, but rather copied significant portions of Long Assignment 1 from another student, Katie Kerckaert.
- (3) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly obtained unauthorized assistance and committed plagiarism in connection with Long Assignment 1.
- (4) You did not write portions of an assignment titled "Korean Relative Clauses Construction: Headness and Gapping" that you submitted in your name to fulfill the course requirements of LIN306H1, but rather copied significant portions of this assignment from various websites.
- (5) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in connection with your assignment titled "Korean Relative Clauses Construction: Headness and Gapping".

[4] The Revised Notice of Hearing, dated October 19, 2011 was entered into evidence as Exhibit 1. Discipline Counsel for the University, Ms Harmer, introduced an Agreed Statement of Facts which was entered on consent as Exhibit 2. A Joint Book of Documents, which contains the charging documents and other documents referred to in the Agreed Statement of Facts, was entered as Exhibit 3. The agreed upon facts are reproduced in substantial part below:

- (1) At all material times, Ms. K was a registered student at the University of Toronto.

LIN305

- (2) In the 2011 Winter term, Ms. K enrolled in LIN305H1 – Quantitative Methods, which was taught by Prof. Daphna Heller ("LIN305"). Ms. K admits that she received a copy of the LIN305 Syllabus.

- (3) The LIN305 Syllabus stated, in part, as follows:

University Policies:

You are subject to the **Code of Student Conduct** (<http://www.governingcouncil.utoronto.ca/policies/studentc.htm>) and the **Code of Behaviour on Academic Matters** (<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>). Violations such as plagiarism and other cheating will be handled in accordance with regulations.

- (4) The academic requirements for LIN305 included three long homework assignments worth 30% of the course mark. Long Homework #1 was due March 1, 2011
- (5) Ms. K submitted her Long Assignment 1 in partial completion of the Course requirements ("Assignment").
- (6) Professor Heller graded the Assignment and noted that it was virtually identical to an assignment submitted by another student K.K.
- (7) In particular, Professor Heller noted that it was highly unusual for two students to report the exact same measures or to use the same text to explain the results, as the assignment was worded very generally and did not tell the students which measurement to use or which graph to draw.
- (8) Ms. K admits that with respect to the Assignment she knowingly:
- (a) copied the work of K.K. without authorization or attribution, and in doing so represented the ideas of another person, the expression of the ideas of another person, and the work of another person as her own;
 - (b) committed plagiarism contrary to section B.I.1(d) of the *Code*; and
 - (c) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.3(b) of the *Code*.
- (9) She admits that she did so for the purpose of obtaining an academic advantage in LIN305.

LIN306

- (10) In the 2011 Winter term, Ms. K was also enrolled in LIN306H1 –Language Diversity and Linguistic Universals, which was taught by Prof. Alana Johns (“LIN306”). Ms. K admits that she received a copy of the LIN306 Syllabus.
- (11) The academic requirements for LIN306 included three assignments. The second of these assignments was due February 16, 2011, and was worth 20% of the course mark. The Professor distributed a description of this assignment to the class. It stated, in part: “Your assignment will be marked based on clarity, level of discussion, use of examples to support your discussion, quality of sources and proper citation...”
- (12) Ms. K submitted Assignment 2 in partial completion of the Course requirements (“Assignment 2”).
- (13) The teaching assistant assigned to mark Assignment 2 reported to Professor Johns that almost all of the sentences in Assignment 2 were taken directly from the three websites listed as references at the end of Assignment 2. No quotation marks or other identifying marks were used to indicate that the work was copied virtually verbatim from these sources.
- (14) Ms. K admits that with respect to Assignment 2 she knowingly:
 - (a) copied the internet sources without authorization or attribution, and in doing so represented the ideas of another person, the expression of the ideas of another person, and the work of another person as her own;
 - (b) committed plagiarism contrary to section B.I.1(d) of the *Code*; and
 - (c) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.3(b) of the *Code*.
- (15) She admits that she did so for the purpose of obtaining an academic advantage in LIN306.

Admission

- [5] Ms. K acknowledges and admits that the conduct described constitutes academic misconduct as described in the Charges, and in particular that her conduct is contrary to section B.I.1(d) of the Code as described in Charges 1 and 4.

Decision of the Tribunal

- [6] On the basis of the Agreed Statement of Facts and the Joint Book of Documents, the Tribunal accepted the plea and found a contravention of the *Code* as set out in the Charges 1 and 4. At this time, the Provost indicated its intention not to proceed with Charges 2, 3 and 5 and these were withdrawn.

Sanction Phase

- [7] The parties entered an Agreed Statement of Facts on Sanction, which was marked as Exhibit 4, and which included the following facts:
- (a) In June 2008 Ms. K was found to be in possession of an unauthorized aid in the form of notes relevant to the course inside a pencil case on her desk during a final exam in LIN203H1. The notes were written in very small letters.
 - (b) Ms. K met with the Dean's Designate in August, 2008, at which time she claimed not to know that she couldn't have the aid in the pencil case on her desk. After discussion, she admitted that she had the notes in her possession and thereby committed an academic offence.
 - (c) The Dean's Designate imposed a sanction of a zero for the exam and a notation on her transcript that she had committed an academic offence.
 - (d) The Dean's Designate also stated in a letter to Ms. K in which he informed her of the sanction that: "Academic offences constitute unacceptable behaviour in the University. This letter is to serve as a warning to you that any future academic work must be conducted in accordance with the rules and regulations of the University. ... While I hope you have learned from this experience, I must warn you that any further offence will be treated more severely."
 - (e) Ms. K is currently serving an academic suspension of 1 year which commenced at the end of the Winter 2011 term and will end at the end of the Winter 2012 term.
 - (f) Ms. K acknowledges that she needs to take steps to address her limited writing experience and skills, and additionally to be fully aware of her obligations as a student of the University.
- [8] The parties also provided to the Tribunal an undertaking executed by Ms K , which was marked as Exhibit 5. The Undertaking provides in material part as follows:

- (a) Ms. K undertakes to complete the workshops described below through the University of Toronto St. George Campus College Writing Centres Academic Skills Workshops ("Undertaking").
- (b) Ms. K will fulfill the Undertaking by taking the following 6 workshops, which amount to 6 hours of instruction:
 - 1. Understanding the Assignment
 - 2. Library Research
 - 3. Thesis Statements
 - 4. Organizing an Essay
 - 5. Using Sources
 - 6. Revising the Essay
- (c) Ms. K agrees to complete the workshops in the term in which she is next registered for a course at the University.
- (d) In the event that these workshops are not available at the time Ms. K attempts to complete them, the University will, acting reasonably, propose an alternate and equivalent program that Ms. K shall complete to fulfill the Undertaking.
- (e) Ms. K acknowledges that the Provost of the University of Toronto intends to seek a sanction which includes a 3 year suspension and a 4 year notation before the University Tribunal. Ms. K further acknowledges that the Provost takes this position, in part, in reliance on Ms. K's Undertaking, and, without it, the Provost would not seek a sanction before the University Tribunal that included a suspension of only 3 years and a notation of only 4 years.
- (f) Ms. K agrees and accepts that she will not be eligible to graduate from the University until she fulfills the Undertaking and the University may rely on this Undertaking to deny her the ability to graduate until it is fulfilled.

[9] In addition, Ms K made a statement to the Tribunal that she was very sorry for her actions.

[10] The parties submitted a Joint Submission on Penalty, in which the following sanctions were jointly proposed:

- (a) a final grade of zero in each of the following courses:

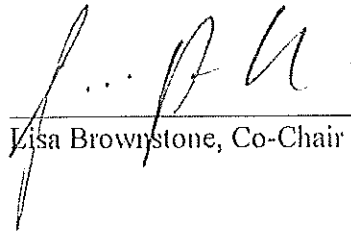
- (i) LIN 305; and
 - (ii) LIN 306.
- (b) a suspension from the University to commence May 1, 2012, and to end April 30, 2015;
- (c) a notation of the sanction on her academic record and transcript from the date of the Order until the earlier of her graduation from the University or April 30, 2016.
- [11] The parties also proposed that the Panel order that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed in the University newspapers, with the name of the student withheld.
- [12] The parties agreed that the suspension would be consecutive to the student's current academic suspension, and therefore, as indicated in the joint submission, would commence on May 1, 2012.
- [13] The Panel was provided with a number of cases in support of the joint submission. Two of these cases included undertakings as an element of the sanction, a relatively new and infrequently used tool in these cases.
- [14] Discipline Counsel reminded the Panel that there is a high threshold for refusing to accept a joint submission, and that the Panel would have to be of the view that the administration of justice was brought into disrepute by the acceptance of that joint submission in order to depart from it.

Sanction

- [15] In the circumstances, the Panel is of the view that the joint submission is within the appropriate range of penalty in this case, and accepts the submission.
- [16] The Panel would, however, like to stress that while an undertaking can be a very useful tool in penalty and rehabilitation, and the parties are to be commended for working together toward rehabilitation and remediation, the use and contents of the undertaking should not be viewed as an excuse for the behaviour set out in the Agreed Statement of Facts. If students do not have the requisite knowledge and skill to comply with basic requirements of academic life at the University, it is preferable that these deficiencies be addressed before, and not as a result of, repeated academic offences. Nonetheless, as stated, the Panel accepts and agrees that the student's willingness to work with the University toward rehabilitation and remediation is a mitigating factor in considering the appropriate sanction.
- [17] Therefore, the Panel orders:

- 1) that Ms. K is guilty of guilty of two charges of the academic offence of plagiarism contrary to section B.I(1)(d) of the *Code of Behaviour on Academic Matters*;
- 2) that Ms. K received a final grade of zero in the course LIN305H1;
- 3) that Ms K receive a final grade of zero in the course LIN306H1;
- 4) that Ms K be suspended from the University for three years, to commence on May 1, 2012, and to end April 30, 2015;
- 5) that the sanction shall be recorded on her academic record and transcript from the date of the Order until April 30, 2016, or the date of her graduation from the University, whichever is earlier; and
- 6) that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the student withheld.

Dated this 25th day of November, 2011



Lisa Brownstone, Co-Chair